

June 16 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0441

ORIGINAL

STATE OF MONTANA,

Plaintiff and Appellee,

v.

JOSHUA DON LARSON,

Defendant and Appellant.

FILED

JUN 16 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA**MOTION FOR EXTENSION OF TIME
AND AFFIDAVIT IN SUPPORT**

COMES NOW, Eileen A. Larkin, counsel of record for Defendant and Appellant, and respectfully requests an extension of time until July 9, 2010, in which to prepare, file, and serve the Appellant's reply brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 16th day of June, 2010.

OFFICE OF THE STATE PUBLIC DEFENDER
Appellate Defender Office
139 N. Last Chance Gulch
P.O. Box 200145
Helena, MT 59620-0145

By: *Eileen A Larkin*

Eileen A. Larkin
Assistant Appellate Defender

STATE OF MONTANA)
 : ss.

County of Lewis and Clark)

I, Eileen A. Larkin, being first duly sworn upon my oath, depose and state as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Office of State Public Defender, Appellate Defender Office, as an Assistant Appellate Defender.

2. In my capacity as Assistant Appellate Defender, I have been assigned to handle the above-entitled matter.

3. The Appellant's reply brief was initially due on June 11, 2010. It is currently due on June 25, 2010. This is the third request for an extension of time.

4. I have read Appellee's Response Brief in this matter, *State v. Larson*, DA 09-0441, I have performed legal research, and have worked on a draft of the reply brief.

5. I recently filed an *Anders* brief in *State v. Knox*, DA-09-0549. I have been assisting the Chief Appellate Defender, Ms. Joslyn Hunt, with the reply brief in *State v. Mullarkey*, DA 09-0516. Additionally, Ms. Hunt and I visited four OAD clients at Montana State Prison last week which took me away from the office for a day. I am scheduled to fill in for the OAD staff liaison, Ms. Lisa Korchinski, during the Public Defender Commission meeting set for Thursday,

July 17, 2010. Finally, I will be attending a family graduation out-of-state and will miss approximately two days of work.

5. In addition to my workload of cases, I have continued to assist the Ms. Hunt, with other administrative duties.

6. I will work diligently to complete the matter in the time requested.

7. Opposing counsel has been contacted concerning this motion and does not object.

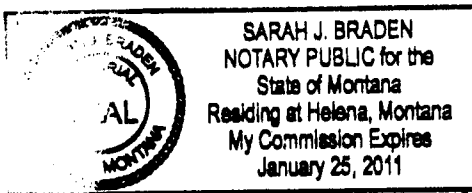
8. Further your affiant sayeth naught.

Eileen A. Larkin

Eileen A. Larkin

SUBSCRIBED AND SWORN to before me this 16th day of

June, 2010.



Sarah J. Braden

Sarah J. Braden

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing
Motion for Extension of Time and Affidavit in Support to be mailed to:

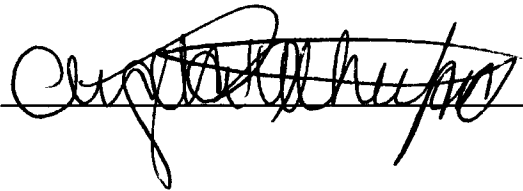
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JOSHUA LARSON
2009 40th Street
Missoula, MT 59806

DATED: _____

6-16-10

A handwritten signature in black ink, appearing to read "Craig [unclear]", is written over a horizontal line.